

### **151.100 Definitions.**

As used in KRS 151.110 to 151.460 and 151.990, the words listed herein shall have the following respective meanings, unless another or different meaning or intent shall be clearly indicated by the context:

- (1) The word "authority" shall mean the Water Resources Authority of Kentucky;
- (2) The word "cabinet" shall mean the Environmental and Public Protection Cabinet;
- (3) The word "stream" or "watercourse" shall mean any river, creek or channel, having well defined banks, in which water flows for substantial periods of the year to drain a given area, or any lake or other body of water in the Commonwealth;
- (4) The word "diffused surface water" shall mean that water which comes from falling rain or melting snow or ice, and which is diffused over the surface of the ground, or which temporarily flows vagrantly upon or over the surface of the ground as the natural elevations and depressions of the surface of the earth may guide it, until such water reaches a stream or watercourse;
- (5) The word "ground water" or "subterranean water" shall mean all water which fills the natural openings under the earth's surface including all underground watercourses, artesian basins, reservoirs, lakes, and other bodies of water below the earth's surface;
- (6) The word "floodway" shall mean that area of a stream or watercourse necessary to carry off flood water as determined by the secretary;
- (7) The word "floodplain" shall mean the area in a watershed that is subject to inundation;
- (8) The word "watershed" shall mean all the area from which all drainage passes a given point downstream;
- (9) The word "domestic use" shall mean the use of water for ordinary household purposes, and drinking water for poultry, livestock, and domestic animals;
- (10) The word "water resources project" or "project" shall mean any structural or nonstructural study, plan, design, construction, development, improvement or any other activity including programs for management, intended to conserve and develop the water resources of the Commonwealth and shall include all aspects of water supply, flood damage abatement, navigation, water-related recreation, and land conservation facilities and measures;
- (11) The word "withdraw" or "withdrawal of water" shall mean the actual removal or taking of water from any stream, watercourse or other body of public water;
- (12) The word "dam" shall mean any artificial barrier, including appurtenant works, which does or can impound or divert water, and which either:
  - (a) Is or will be twenty-five (25) feet or more in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the cabinet; or
  - (b) Has or will have an impounding capacity at maximum water storage elevation of fifty (50) acre-feet or more;

- (13) "Embankment dam" shall mean any dam constructed of excavated natural materials or of industrial waste materials;
- (14) "Gravity dam" shall mean a dam constructed of concrete or masonry that relies on its weight for stability;
- (15) The word "person" shall mean any individual, public or private corporation, political subdivision, government agency, municipality, copartnership, association, firm, trust, estate, or other entity whatsoever;
- (16) "Secretary" shall mean the secretary of the Environmental and Public Protection Cabinet;
- (17) "Authorized representative" shall mean an individual specifically authorized by the secretary to act in his behalf;
- (18) The word "reservoir" shall mean any basin which contains or will contain the water impounded by a dam; and
- (19) "Owner" shall mean any person who owns an interest in, controls, or operates a dam.

**Effective:** July 15, 1988

**History:** Amended 1988 Ky. Acts ch. 405, sec. 1, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 111, sec. 84, effective July 13, 1984; and ch. 216, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 214, sec. 1, effective July 15, 1982. -- Amended 1974 Ky. Acts ch. 74, Art. III, sec. 13(9); and ch. 285, sec. 1. -- Created 1966 Ky. Acts ch. 23, sec. 1.

**Legislative Research Commission Note** (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.